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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/601,436  | 06/23/2003  | Lee G. Meyer         | 50089-0001          | 7147             |
| 36178   | 7590        | 12/07/2004           | EXAMINER            |                  |
| LEE G. MEYER, ESQ.<br>MEYER & ASSOCIATES, LLC<br>17462 E. POWERS DRIVE<br>CENTENNIAL, CO 80015-3046 |             |                      | ROBINSON, MARK A    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2872                |                  |

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                              |  |
|------------------------------|-------------------------------|------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/601,436 | Applicant(s)<br>MEYER ET AL. |  |
|                              | Examiner<br>Mark A. Robinson  | Art Unit<br>2872             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/25/03</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first mirror segment being movably or pivotally supported within the housing as in claims 9,17,18,20 and 22 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR

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1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

2. Claim 22 is objected to because of the following informalities: there appears to be a term missing in "at one" in line 9, and "when said when" is grammatically incorrect in line 18. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1 states that the second positioning device "may be the same as the first." However, this renders indefinite the claimed combination since the number and arrangement of positioning device(s) is unclear. The dependent claims inherit this deficiency.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 9-14 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scifres (US 4022520) in view of Vu (US 4890907).

Scifres shows a rearview mirror system including first(1) and second(2) spaced-apart, stacked mirror elements each independently movably or pivotally supported within a housing (col. 2 line 11), with the mirrors, through their pivotal connections, capable of providing a planar view (as in fig. 2), and wherein the second mirror is selectively positionable in a

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generally downwardly tilted position (via its pivot connection 22).

Scifres does not teach the second mirror to *automatically* tilt downwardly during backing (when the vehicle is placed in reverse gear) and return to its original position when the vehicle is removed from reverse gear. Scifres also does not teach a motor or control circuit to accomplish this automatic positioning of the second mirror. However, Vu teaches such an arrangement, showing a second mirror(22) which is automatically positioned generally downwardly (in a similar manner as is shown by applicant) when the vehicle is placed in reverse gear (col. 2 lines 39-42). Note also Vu's motor and control circuit (fig. 6) for adjusting the mirror in this manner. It would have been obvious to the ordinarily skilled artisan at the time of invention to automatically position Scifres' second mirror downwardly when the vehicle is placed in reverse as is taught by Vu in order to enable viewing of the curb when backing or parking the vehicle (Vu, col. 1).

The method limitations of claim 20 are inherent in the structure of Scifres in view of Vu discussed above.

7. Claims 7,8,15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scifres in view of Vu as applied to

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claims 1 and 12 above, and further in view of either McDonough (US 5052792) or JP 58-4647 (JP'647).

Scifres in view of Vu does not show the first and second mirrors to abut one another and be hinged along their common side. However, such an arrangement is shown by both McDonough (fig. 2) and JP'647 (figs. 5 and 6). It would have been obvious to the ordinarily skilled artisan at the time of invention to have the mirrors abut one another and be hinged together along a common side in order to provide a seamless view while still allowing for adjustment of each of the mirrors.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The documents to Yamada, Kaspar, Davis, and Kanamori all show vehicle rear view mirror arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the

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organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR

12/3/04

  
MARK A. ROBINSON  
PRIMARY EXAMINER